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**IN THE
COURT OF APPEALS OF INDIANA**

CHRISTOPHER A. TURNER,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A04-0701-CR-40

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Robert Altice, Judge
Cause No. 49G04-0601-FB-11716

September 25, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Christopher A. Turner (“Turner”) appeals his conviction after a jury trial for robbery, as a class C felony.¹

We affirm.

ISSUE

Whether sufficient evidence exists to support Turner’s conviction.

FACTS

On November 23, 2005, Romon Morman and Jerome McDaniel met as they attempted to secure employment at an agency in Marion County. When the agency declined their services, McDaniel asked if Morman was interested in driving with him to another potential worksite. Morman agreed. McDaniel also offered to drive several other people home. McDaniel and Morman dropped the others off, and then ran errands, applied for a job, and stopped for lunch. After lunch, McDaniel allowed Morman to drive his car. While Morman was driving to a relative’s home, McDaniel fell asleep and remained in the car while Morman visited. Morman retrieved a nine-millimeter handgun from the residence and reentered the car.

Morman then drove to Turner’s home. Turner was Morman’s best friend of twenty-one years. Morman entered, again leaving McDaniel in the front passenger seat. Inside, Morman told Turner that he “had somebody with [him] and that [he] was going to take his money.” (Tr. 92). Morman returned to the car and got into the driver’s seat.

¹ Indiana Code § 35-42-5-1.

Approximately one minute later, Turner emerged from his apartment, entered the car, and sat in the back seat. Morman introduced the two men, and as they spoke, he drew his gun and pointed it at McDaniel, saying, “Give me your money.” (Tr. 63). Turner watched in silence. McDaniel complied, giving Morman fifty dollars. Turner then told Morman, “[C]heck his legs, check his pocket, get that money. Make sure you get it here. Make sure he ain’t got it in there. Make sure he ain’t got it in there. Get that money. Get that money.” (Tr. 64).

Morman then asked McDaniel to surrender the car keys; McDaniel refused. He jumped from the car and ran to call the police. Morman and Turner returned to Turner’s apartment. Using Turner’s telephone, Morman telephoned his sister for a ride. Turner provided Morman’s sister with directions to the apartment. Thereafter, the police arrived at the scene and knocked on every door, including Turner’s. Turner did not answer. Using McDaniel’s descriptions of the suspects, the police assembled a series of photo arrays. McDaniel identified both Morman and Turner.

On February 3, 2006, the State charged Turner with robbery, as a class B felony. On November 30, 2006, he was tried before a jury and convicted of class C felony robbery. On December 19, 2006, the trial court imposed a five-year sentence.

DECISION

Turner argues that the State did not present sufficient evidence to establish that he was an accomplice in the robbery. Our standard of review for sufficiency cases is well settled. We affirm if, considering only the probative evidence and reasonable inferences supporting the verdict and without weighing evidence or assessing witness credibility, a

reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. *Blackman v. State*, 868 N.E.2d 579, 583 (Ind. Ct. App. 2007).

An accomplice is criminally responsible for the contemplated offense and all acts which are a natural and probable consequence of the concerted action. *B.K.C. v. State*, 781 N.E.2d 1157, 1165 (Ind. Ct. App. 2003). Under the accomplice liability statute, a person “who knowingly or intentionally aids, induces, or causes another person to commit an offense commits that offense.” Indiana Code § 35-41-2-4. Thus, to convict Turner under an accomplice liability theory, the jury must have found that Turner knowingly and intentionally aided, induced, or caused Morman to commit robbery.

The factors considered by the fact-finder to determine whether a defendant aided another in the commission of a crime include (1) presence at the crime scene; (2) companionship with another engaged in a crime; (3) failure to oppose the commission of the crime; and (4) the course of conduct before, during, and after the occurrence of the crime. *Id.* Neither the defendant’s presence during the commission of the crime nor his failure to oppose the crime are, standing alone, sufficient to establish accomplice liability; however, the defendant’s presence at the scene, coupled with evidence of his conduct before, during and after the crime, which tends to show complicity, can support an inference of participation. *Wright v. State*, 690 N.E.2d 1098, 1106 (Ind. 1997).

Turner argues that the evidence is insufficient to support his conviction. Specifically, he argues that he “did nothing to help Morman prior to or during the robbery,” and further, that “the robbery was already complete” when he suggested where Morman should search for money. Turner’s Br. 4, 6. We disagree.

The facts reveal that before the crime, Morman told Turner that he intended to rob McDaniel. Thereafter, when Morman left Turner's apartment, presumably to commit the crime, Turner followed. As Morman reoccupied the driver's seat, Turner entered and sat in the back seat. As Turner and McDaniel spoke, Morman brandished his gun, pointed it at McDaniel, and demanded his money. Turner did nothing to oppose the commission of the robbery. After McDaniel surrendered fifty dollars, Turner encouraged Morman to search for additional money, saying "check his legs, check his pocket, get that money. Make sure you get it here. Make sure he ain't got it there. Make sure he ain't got it there. Get that money. Get that money." (Tr. 64). After the robbery had taken place and McDaniel had run away, Turner and Morman returned to Turner's apartment. Using Turner's telephone, Morman called his sister for a ride, and Turner provided Morman's sister with driving directions.

Based upon the foregoing evidence -- (1) Turner's twenty-one year friendship with Morman; (2) his prior knowledge that Morman intended to rob McDaniel; (3) his presence in the car during the robbery; (4) his failure to oppose the commission of the robbery; (5) his suggestions of where Morman should search during the robbery; and (6) his decision to allow Morman back into his apartment and further, to assist Morman in leaving the scene -- a reasonable trier of fact could have determined that Turner was Morman's accomplice to the robbery. Thus, we find that sufficient evidence exists to sustain Turner's robbery conviction.

Affirmed.

MAY, J., and CRONE, J., concur.